

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Criminal Application (ABA) No. 585 of 2022

Sanjeev Kumar Sajjan **Versus** The State of Maharashtra thr. PSO., PS.
Mankapur, Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Sunil Manohar, Senior Advocate i/b Shri Sukrut S. Sohoni, counsel, a/w
Shri Akash Shankar, counsel and Shri Ashish I. Nayak, counsel for the
applicant.

Shri T.A. Mirza, APP for the State / Non-applicant.

**CORAM : ANIL S. KILOR, J.
DATED : 25/08/2022**

1. The applicant is seeking anticipatory bail in connection with Crime No. 157 of 2019, registered with Police Station, Mankapur, District Nagpur for the offences punishable under Sections 420, 465, 467, 468 and 471 read with Section 34 of the Indian Penal Code, 1860.

2. Shri Sunil Manohar, learned Senior Advocate submits that, as per the FIR, it is alleged that during the period from 2012 to 2016, the applicant created forged and fabricated documents to help the students in obtaining admissions.

3. It is submitted that, though the period is 2012 to 2016, the complaint was lodged on 3.6.2019 and the applicant was first time summoned to attend for investigation on 05.05.2022, by issuing an intimation dated

18.4.2022. Therefore, it is submitted that even after the lodgment of the FIR, for three years Police did not seek custody of the applicant.

4. Shri Sunil Manohar, learned Senior Counsel further submits that, the applicant is presently posted at Dhamdaha, District Purena, Bihar as Additional Sub-Divisional Collector (Senior Deputy Collector) and being Government Employee there is no possibility he being absconded.

5. He further points out that, after the applicant was summoned he was submitted his say on 15.6.2022 inter-alia pointing out that from 01.01.2012 to 31.12.2016 for education purpose he was most of the time on leave, except for six months i.e. the period during which his leave was cancelled.

6. It is therefore submitted that, the applicant has been falsely implicated in the alleged offence.

7. It is further argued that, while rejecting the application of the applicant, the learned Trial Court has observed that, there are statements of the witnesses who have stated that they have paid the amount to the applicant and got admission.

8. It is submitted that, however, the co-accused who is similarly circumstanced, has been granted bail on the ground that, he attended the Police Station and cooperated the Investigation Officer and as nothing is to be recovered from him.

9. In the said backdrop, it is pointed out that, as per the directions of this Court, vide order dated 04/08/2022, the applicant attended the Police Station and cooperated the Investigating Officer in investigation.

10. Shri Sunil Manohar, learned Senior Advocate lastly argues that, the applicant is in Government Service therefore, there is no possibility of being absconded or not available for trial.

11. On the other hand, learned APP strongly opposed the presently application and submits that, there are statements under Section 164 of Code of Criminal Procedure, which sufficiently show the involvement of the applicant in the alleged offence.

12. It is submitted that, the witnesses have categorically stated that, they had paid amount to the applicant to seek admissions. It is submitted that, the applicant is the main accused, who had created forged and fabricated documents to help the students in getting the admission and for the same, he accepted huge amount from the students. Accordingly, he prays for rejection of the present application.

13. I have perused the Case-diary and the applications.

14. The period of offences is 2012-2016. The allegations are that on the basis of fabricated and forged documents the admissions were given by the applicant, to

the students, during the said period. Admittedly, the FIR came to be lodged on 03.6.2019.

15. From the Case-diary, it can be seen that, the statements on which the prosecution is relying upon were recorded in the month of September-2021, and thereafter the statements under Section 164 of Code of Criminal Procedure were recorded in the month of November or December-2021, the applicant was not called for investigation till 18/04/2022.

16. Furthermore, there is no denial to the facts stated by the applicant in his say submitted to the Assistant Commissioner of Police, Sadar Division, Nagpur City dated 15.06.2022, particularly to paras-8 to 9 of the same, which read thus:

“VIII. Furthermore, bare perusal of the F.I.R. reflects that any admission in the college in question on forged document is in between the year 01.01.2012 to 31.12.2016. It is pertinent to note that after 2012 he has taken study leave for pursuing and completion of his MBA in Disaster Management from GGS Indraprastha University Delhi, after obtaining study leave, since 2012 to 2014 and again after obtaining the study leave since 2014 to 2015 completed his Ph.D. in Environment science from Magadh University, Bodh Gaya Bihar.

IX. However, the undersigned was compelled to join in the college in question as such on 30.3.2015, he joined for few months and left the job after 6 months. The study leave was cancelled by the college authority on 24.03.2015 and compelled to join duty on 30.3.2015. On 30.9.2015, as per the order of the college authority the charge of the Demonstration

section was handed over to the concerned employee and became charge free w.e.f. 30.09.2015”

17. Thus, if the material collected by the prosecution during investigation is considered along with the above referred paras which have not been denied by the State, it to create doubt about the veracity of allegations made against the applicant.

18. The first year of occurrence of offence is year 2012 and for 10 years thereafter and for three years after lodgment of the FIR no custody of the applicant was sought.

19. The applicant is in Government Service and presently holding a post of Senior Deputy Collector at Dhamdaha, District Purnea Bihar. As such, there is no possibility that the applicant will not be available for trial or being absconded.

20. Furthermore, it is not the case of the prosecution that, they want to recover anything from the applicant and for that custodial interrogation is necessary. In that view of the matter, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) The ad-interim anticipatory bail granted by this Court on 04/08/2022 is confirmed.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.

- d) It is made clear that Police shall be given 72 hours advance notice to the applicant, whenever his presence is required.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]